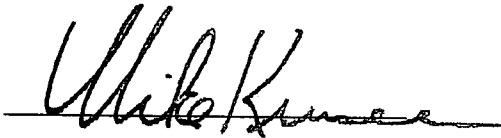


I certify this is a true and correct
copy of the original document as
referred or transmitted to committee.

Chief Clerk of the House

FILED MAR 10 2005

By:



H.J.R. No. 79

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the legislature
2 to provide for a six-year term for a board member of a regional
3 mobility authority.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 30, Article XVI, Texas Constitution, is
6 amended by adding Subsection (e) to read as follows:

7 (e) The Legislature by general law may provide that members
8 of the board of a regional mobility authority serve terms not to
9 exceed six years, with no more than one-third of the members of the
10 board to be appointed every two years.

11 SECTION 2. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 8, 2005.
13 The ballot shall be printed to permit voting for or against the
14 proposition: "The constitutional amendment authorizing the
15 legislature to provide for a six-year term for a board member of a
16 regional mobility authority."

HOUSE COMMITTEE REPORT

05 APR 15 PM 6:42
HOUSE OF REPRESENTATIVES

1st Printing

By: Krusee

H.J.R. No. 79

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13 The ballot shall be printed to permit voting for or against the
14 proposition: "The constitutional amendment authorizing the
15 legislature to provide for a six-year term for a board member of a
16 regional mobility authority."

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

4-14-05
(date)

Sir:

We, your COMMITTEE ON TRANSPORTATION

to whom was referred HJR 79 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.
☐ do pass, with amendment(s).
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
☒ yes ☐ no A fiscal note was requested.
☐ yes ☒ no A criminal justice policy impact statement was requested.
☐ yes ☒ no An equalized educational funding impact statement was requested.
☐ yes ☒ no An actuarial analysis was requested.
☐ yes ☒ no A water development policy impact statement was requested.
☐ yes ☒ no A tax equity note was requested.
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Krusee, Chair	<input checked="" type="checkbox"/>			
Phillips, Vice-chair	<input checked="" type="checkbox"/>			
Callegari	<input checked="" type="checkbox"/>			
Casteel	<input checked="" type="checkbox"/>			
Deshotel	<input checked="" type="checkbox"/>			
Flores				<input checked="" type="checkbox"/>
Hamric	<input checked="" type="checkbox"/>			
Hill	<input checked="" type="checkbox"/>			
West	<input checked="" type="checkbox"/>			

Total

8 aye
0 nay
0 present, not voting
1 absent

Mike Krusee
CHAIR

BILL ANALYSIS

H.J.R. 79
By: Krusee
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Regional Mobility Authorities (RMAs) were initially authorized during the 77th Legislative session. House Bill 3588, passed during the 78th Legislative session, created the Regional Mobility Act (Chapter 370 of the Transportation code) governing the creation and operation of RMA's. Among the changes to RMA's enacted by House Bill 3588 was the expansion of the length of RMA Board of Director terms of office from 2 to 6 years. The purpose of lengthening the terms of office was to provide for consistency and stability in RMA leadership to make RMA transportation projects more attractive to investment from capital markets. However, questions have arisen over whether 6-year RMA board member terms are constitutional due to ambiguity contained in the language of Article XVI, Sections 30 and 30A of the Texas Constitution. This resolution allows the legislature to, by general law, provide that RMA board members serve terms not to exceed 6 years.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Section 1. Amends Section 30, Article XVI of the constitution by adding Subsection (e) which would provide that members of the board of a Regional Mobility Authority to serve terms not to exceed six year, with no more than one-third of the members to be appointed every two years.

Section 2. Provides that the proposed amendment shall be submitted to the voters at an election to be held on November 8, 2005, and provides ballot language for the election.

EFFECTIVE DATE

This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2005.

SUMMARY OF COMMITTEE ACTION

HJR 79

April 12, 2005 8:00AM

Considered in public hearing

Testimony taken in committee (Legislator(s) only.)

Left pending in committee

April 14, 2005 upon final adjourn./recess

Considered in formal meeting

Reported favorably without amendment(s)

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 1, 2005

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR79 by Krusee (Proposing a constitutional amendment authorizing the legislature to provide for a six-year term for a board member of a regional mobility authority.), **As Introduced**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The resolution would require that a proposed constitutional amendment be placed on the November 8, 2005 ballot for the voters to approve authorizing the legislature to provide that members of the board of a regional mobility authority may serve terms not to exceed six years, with no more than one-third of the members of the board to be appointed every two years.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SR, DLBa

HOUSE ENGROSSMENT

By: Krusee

H.J.R. No. 79

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the legislature
2 to provide for a six-year term for a board member of a regional
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8 of the board of a regional mobility authority serve terms not to
9 exceed six years, with no more than one-third of the members of the
10 board to be appointed every two years.

11 SECTION 2. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 8, 2005.
13 The ballot shall be printed to permit voting for or against the
14 proposition: "The constitutional amendment authorizing the
15 legislature to provide for a six-year term for a board member of a
16 regional mobility authority."

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 1, 2005

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SR, DLBa

1-1 By: Krusee (Senate Sponsor - Staples) H.J.R. No. 79
1-2 (In the Senate - Received from the House May 12, 2005;
1-3 May 13, 2005, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 23, 2005, reported
1-5 favorably by the following vote: Yeas 5, Nays 1; May 23, 2005,
1-6 sent to printer.)

1-7 HOUSE JOINT RESOLUTION

1-8 proposing a constitutional amendment authorizing the legislature
1-9 to provide for a six-year term for a board member of a regional
1-10 mobility authority.

1-11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 30, Article XVI, Texas Constitution, is
1-13 amended by adding Subsection (e) to read as follows:

1-14 (e) The Legislature by general law may provide that members
1-15 of the board of a regional mobility authority serve terms not to
1-16 exceed six years, with no more than one-third of the members of the
1-17 board to be appointed every two years.

1-18 SECTION 2. This proposed constitutional amendment shall be
1-19 submitted to the voters at an election to be held November 8, 2005.
1-20 The ballot shall be printed to permit voting for or against the
1-21 proposition: "The constitutional amendment authorizing the
1-22 legislature to provide for a six-year term for a board member of a
1-23 regional mobility authority."

1-24 * * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 79
By Knusee/Staples
(Author/Senate Sponsor)
May 23, 2005
(date)

TRANSPORTATION AND HOMELAND
SECURITY

We, your Committee on _____, to which was referred the attached measure,
have on May 23, 2005, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Staples, Chairman	<input checked="" type="checkbox"/>			
Senator Barrientos, Vice-Chairman	<input checked="" type="checkbox"/>			
Senator Brimer	<input checked="" type="checkbox"/>			
Senator Ellis			<input checked="" type="checkbox"/>	
Senator Lindsay	<input checked="" type="checkbox"/>			
Senator Madla	<input checked="" type="checkbox"/>			
Senator Shapiro			<input checked="" type="checkbox"/>	
Senator Shapleigh		<input checked="" type="checkbox"/>		
Senator Wentworth			<input checked="" type="checkbox"/>	
TOTAL VOTES	<u>5</u>	<u>1</u>	<u>3</u>	

COMMITTEE ACTION

S260 Considered in public hearing

S270 Testimony taken

[Signature]
COMMITTEE CLERK

[Signature]
CHAIR

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center
79R5560 JTS-D

H.J.R. 79
By: Krusee (Staples)
Transportation & Homeland Security
5/20/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Regional mobility authorities (RMAs) were initially authorized during the 77th Legislature, Regular Session, 2001. H.B. 3588, enacted during the 78th Legislature, Regular Session, 2003, created the Regional Mobility Act (Chapter 370, Transportation Code) governing the creation and operation of RMAs. Among the changes to RMAs enacted by H.B. 3588 was the expansion of the length of RMA board of director terms of office from two to six years. The purpose of lengthening the terms of office was to provide for consistency and stability in RMA leadership to make RMA transportation projects more attractive to investment from capital markets. However, questions have arisen over whether six-year RMA board member terms are constitutional due to ambiguity contained in the language of Article XVI, Sections 30 and 30A, Texas Constitution.

H.J.R. 79 proposes a constitutional amendment to allow the legislature to, by general law, provide that RMA board members serve terms not to exceed six years.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 30, Article XVI, Texas Constitution, by adding Subsection (e), to authorize the legislature by general law to provide that members of the board of a regional mobility authority serve terms not to exceed six years, with no more than one-third of the members of the board to be appointed every two years.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2005. Sets forth the required language for the ballot.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 20, 2005

TO: Honorable Todd Staples, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR79 by Krusee (Proposing a constitutional amendment authorizing the legislature to provide for a six-year term for a board member of a regional mobility authority.), As Engrossed

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The resolution would require that a proposed constitutional amendment be placed on the November 8, 2005 ballot for the voters to approve authorizing the legislature to provide that members of the board of a regional mobility authority may serve terms not to exceed six years, with no more than one-third of the members of the board to be appointed every two years.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SR, DLBa

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 1, 2005

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR79 by Krusee (Proposing a constitutional amendment authorizing the legislature to provide for a six-year term for a board member of a regional mobility authority.), **As Introduced**

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The cost to the state for publication of the resolution is \$66,497.

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Local Government Impact

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Source Agencies:

LBB Staff: JOB, SR, DLBa

ENROLLED

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14 proposition: "The constitutional amendment authorizing the
15 legislature to provide for a six-year term for a board member of a
16 regional mobility authority."

H.J.R. No. 79

President of the Senate

Speaker of the House

I certify that H.J.R. No. 79 was passed by the House on May 11, 2005, by the following vote: Yeas 124, Nays 11, 3 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 79 was passed by the Senate on May 25, 2005, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

President of the Senate

Speaker of the House

I certify that H.J.R. No. 79⁽¹⁾ was passed by the House on

May 11⁽²⁾, 2005, by the following vote:

Yeas 124⁽³⁾, Nays 11, 3 present, not voting⁽⁴⁾.

Chief Clerk of the House

I certify that H.J.R. No. 79 was passed by the Senate on

May 25⁽⁵⁾, 2005, by the following vote:

Yeas 30⁽⁶⁾, Nays 1⁽⁷⁾.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

**** Preparation: CT23

proposing a constitutional amendment authorizing the legislature to provide for a six-year term for a board member of a regional mobility authority.

MAR 10 2005

Filed with the Chief Clerk

MAR 14 2005

Read first time and referred to Committee on Transportation

APR 14 2005

Reported favorably (~~unfavorably~~)

APR 18 2005

Sent to Committee on Calendars

MAY 11 2005

Read second time (~~amended~~) (~~amended~~) and adopted (~~passed to third reading~~) by a record vote of 174 yeas, 11 nays, 3 present, not voting

Read third time (amended) and finally adopted (failed of adoption) by a record vote of _____ yeas, _____ nays, _____ present, not voting

Engrossed

MAY 12 2005

Sent to Senate



CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 12 2005

Received from the House

MAY 13 2005

Read and referred to Committee on TRANSPORTATION & HOMELAND SECURITY

MAY 23 2005

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 25 2005

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent) (____ yeas, ____ nays)

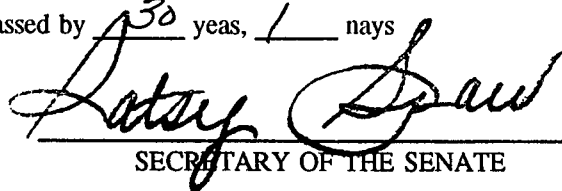
MAY 25 2005

Read second time, _____, and passed to third reading by (unanimous consent) (a viva voce vote) (____ yeas, ____ nays)

MAY 25 2005

Senate and Constitutional 3 Day Rules suspended by a vote of 30 yeas, 1 nays

MAY 25 2005

Read third time, _____, and passed by 30 yeas, 1 nays


SECRETARY OF THE SENATE

OTHER SENATE ACTION:



Returned to the House

MAY 25 2005

Returned from the Senate (~~as substituted~~)
(~~with amendments~~)

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,

_____, _____, _____,

Senate granted House request. Senate conferees appointed: _____, Chair;

_____, _____, _____, _____

Conference committee report adopted (rejected) by the House by a record vote of
_____ yeas, _____ nays, _____ present, not voting

Conference committee report adopted (rejected) by the Senate by a record vote of
_____ yeas, _____ nays

05 APR 15 PM 6:42

HOUSE OF REPRESENTATIVES